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SIXTIETH LEGISLATURE

FIFTEENTH LEGISLATIVE DAY
MONDAY, JANUARY 26, 2009

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Lodge, absent and formally excused by the Chair; and Senator Andreason, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Erica Bailiff, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 23, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Andreason was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 26, 2009

The JUDICIARY AND RULES Committee reports that [S 1023](#), [S 1024](#), [S 1025](#), [S 1026](#), [S 1027](#), [S 1028](#), [S 1029](#), [S 1030](#), [S 1031](#), [S 1032](#), [S 1033](#), [S 1034](#), [S 1035](#), [S 1036](#), [S 1037](#), [S 1038](#), [S 1039](#), and [S 1040](#) have been correctly printed.

DARRINGTON, Chairman

[S 1023](#), [S 1025](#), [S 1033](#), [S 1037](#), and [S 1038](#) were referred to the Education Committee.

[S 1024](#), [S 1026](#), [S 1027](#), and [S 1028](#) were referred to the State Affairs Committee.

[S 1029](#), [S 1039](#), and [S 1040](#) were referred to the Local Government and Taxation Committee.

[S 1030](#) and [S 1031](#) were referred to the Transportation Committee.

[S 1034](#) and [S 1036](#) were referred to the Judiciary and Rules Committee.

[S 1032](#) was referred to the Commerce and Human Resources Committee.

[S 1035](#) was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that [SCR 101](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Darrington, seconded by Senator Kelly, [SCR 101](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1041

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ACTING GOVERNOR AND LIEUTENANT GOVERNOR COMPENSATION; AMENDING SECTION 67-805, IDAHO CODE, TO PROVIDE THE SALARY TO BE PAID TO THE SENATE PRESIDENT PRO TEMPORE AND THE SPEAKER OF THE HOUSE WHEN SERVING AS ACTING GOVERNOR; AND AMENDING SECTION 67-809, IDAHO CODE, TO PROVIDE THE SALARY TO BE PAID TO THE SENATE PRESIDENT PRO TEMPORE WHEN SERVING AS ACTING LIEUTENANT GOVERNOR.

S 1042

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PRISONERS; AMENDING SECTION 18-2507, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO STATEMENTS REGARDING COSTS OF CERTAIN PROSECUTIONS, TO REVISE PROCEDURES FOR THE SUBMISSION AND PAYMENT OF CLAIMS AND TO PROVIDE CORRECT TERMINOLOGY.

S 1043

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE LEGISLATURE; REPEALING SECTIONS 67-201, 67-202, 67-406c, 67-412, 67-434 AND 67-436, IDAHO CODE, RELATING TO ARCHAIC STATUTES DEALING WITH THE LEGISLATURE AND WITH LEGISLATIVE APPORTIONMENT; REPEALING CHAPTER 7, TITLE 67, IDAHO CODE, RELATING TO

THE LEGISLATIVE COUNSEL; AMENDING SECTION 67-401, IDAHO CODE, TO DELETE REFERENCE TO AN ARCHAIC METHOD OF LEGISLATIVE APPORTIONMENT; AMENDING SECTION 67-406, IDAHO CODE, TO DELETE ARCHAIC LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 67-428, IDAHO CODE, TO PROVIDE FOR AN APPOINTMENT OF A DIRECTOR OF LEGISLATIVE SERVICES TO SERVE AT THE PLEASURE OF THE COUNCIL AND TO DELETE REFERENCE TO EMPLOYEES OF THE COUNCIL; AMENDING SECTION 67-429, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE LEGISLATIVE COUNCIL; AMENDING SECTION 67-431, IDAHO CODE, TO DELETE ARCHAIC LANGUAGE AND TO PROVIDE A CORRECT REFERENCE TO LEGISLATIVE COMPENSATION; AMENDING SECTION 67-435, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE JOINT FINANCE-APPROPRIATIONS COMMITTEE; AMENDING SECTION 67-450B, IDAHO CODE, TO REVISE REQUIREMENTS OF INDEPENDENT FINANCIAL AUDITS AND FILING REQUIREMENTS OF SUCH AUDITS BY GOVERNMENTAL ENTITIES; AMENDING SECTION 67-450C, IDAHO CODE, TO REVISE REQUIREMENTS OF INDEPENDENT FINANCIAL AUDITS AND FILING REQUIREMENTS OF SUCH AUDITS OF AFFILIATED ORGANIZATIONS TO STATE GOVERNMENTAL AGENCIES OR ENTITIES; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 7, TITLE 67, IDAHO CODE, TO CREATE THE LEGISLATIVE SERVICES OFFICE, TO PROVIDE FOR THE AUDIT FUNCTION OF THE LEGISLATIVE SERVICES OFFICE, TO PROVIDE THE BUDGET AND POLICY ANALYSIS FUNCTION OF THE LEGISLATIVE SERVICE OFFICE, AND TO PROVIDE FOR THE RESEARCH AND LEGISLATION FUNCTION OF THE LEGISLATIVE SERVICES OFFICE; AMENDING SECTION 72-1507, IDAHO CODE, TO DELETE REFERENCE TO THE LEGISLATIVE COUNCIL BEING DIRECTED TO FURNISH SECRETARIAL AND OTHER STAFF ASSISTANCE THAT THE REAPPORTIONMENT COMMISSION MAY REQUIRE IN THE PERFORMANCE OF ITS DUTIES; AND AMENDING SECTION 34-301, IDAHO CODE, TO DELETE AN OBSOLETE CODE REFERENCE.

S 1044

BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO CODIFIER'S CORRECTIONS IN STATUTES; AMENDING SECTION 2-502, IDAHO CODE, TO DELETE REFERENCE TO AN ARCHAIC CODE SECTION; AMENDING SECTION 7-720, IDAHO CODE, TO DELETE REFERENCE TO ARCHAIC CODE SECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 11-102, IDAHO CODE, TO DELETE REFERENCE TO AN ARCHAIC CODE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-3-201, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-915, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8005, IDAHO CODE, TO DELETE ARCHAIC LANGUAGE; REPEALING SECTION 32-413, IDAHO CODE, RELATING TO MEDICAL CERTIFICATES; AMENDING SECTION 33-2739, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE REGARDING LEVIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING

SECTION 33-2815, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-3701, IDAHO CODE, TO ADD REFERENCE TO LEWIS-CLARK STATE COLLEGE AND BOISE STATE UNIVERSITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5205, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 33-5212, IDAHO CODE, RELATING TO REVIEW OF CHARTER SCHOOLS; AMENDING SECTION 39-2903, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING THE HEADING FOR CHAPTER 2, TITLE 47, IDAHO CODE; AMENDING SECTIONS 47-306 AND 47-307, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 49-114, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-123, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-402, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-909, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2702, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-201, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-510, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 63-1703, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION.

S 1045

BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO USE OF PUBLIC RIGHT-OF-WAY TO PROVIDE VIDEO SERVICE; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 50, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR FRANCHISING AUTHORITY, USE OF PUBLIC RIGHTS-OF-WAY AND MODIFICATIONS OF EXISTING FRANCHISE AGREEMENTS, TO PROVIDE CUSTOMER ACCESS TO COMMUNITY PROGRAMMING, TO PROVIDE A VIDEO SERVICE PROVIDER FEE WITH DEFINITIONS, TO PROVIDE FOR NONDISCRIMINATION BY GOVERNMENTAL ENTITIES RELATING TO USE OF PUBLIC RIGHTS-OF-WAY, TO PROHIBIT DISCRIMINATION AMONG POTENTIAL RESIDENTIAL SUBSCRIBERS, TO PROVIDE FOR CUSTOMER SERVICE STANDARDS, TO PROVIDE FOR APPLICABILITY OF OTHER LAW; AND TO PROVIDE SEVERABILITY.

[S 1041](#), [S 1042](#), [S 1043](#), [S 1044](#), and [S 1045](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Tuesday, January 27, 2009.

BRAD LITTLE, President

Attest: RUSTI HORTON, Assistant Secretary of the Senate